920. Adulteration and misbranding of Cow-Vet and misbranding of Willits ToneX, SprayX, and Powder WormX. U. S. v. G. D. Willits (G. D. Willits Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation for 6 months. (F. D. C. No. 7256. Sample Nos. 54269–E to 54271–E, incl., 54273–E.)

In addition to the false and misleading therapeutic claims in the labeling of these products, the strength of the Cow-Vet differed from that which it purported and was represented to possess.

On August 11, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against G. D. Willits, trading as G. D. Willits Co., Salladasburg, Pa., alleging shipment on or about August 26, 1941, from the State of Pennsylvania into the State of New Jersey of quantities of the above-named drugs, all of which were misbranded, and one of which, the Cow-Vet, was also adulterated.

Analysis of a sample of the ToneX showed that it consisted essentially of small proportions of potassium chlorate, potassium dichromate, potassium nitrate, magnesium sulfate, and water.

It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the drug was a wonderful conditioner of poultry, an antiseptic, a wonderful intestinal astringent, and was efficacious in the cure, mitigation, treatment, prevention, or removal of all types of worms from poultry; that it was a tonic; that it was scientifically compounded and would prevent disease in poultry; that it would cause poultry to drink more water and would thereby assist in the absorption of the yolk and would eliminate pasting; that it would tone up the entire digestive system, and was an effective conditioner of poultry; that it would be efficacious in the cure, mitigation, treatment, or prevention of coccidiosis and internal parasites; that it would aid in healing the intestinal lining of poultry and in flushing the mucous from the intestinal tract, and would be efficacious in the cure, mitigation, treatment, or prevention of common diarrhea in poultry; and that the article, in addition to other drug products of "The Willits XLine" of poultry and livestock health products, namely, "Willits SprayX," "Willits WormX Powder," and "Willits Cow-Vet," represented the latest developments in the control of poultry and livestock diseases; that it would promote the health of poultry; that it would assist in keeping the intestines of poultry healthy, and was efficacious in the cure, mitigation, treatment, prevention, or removal of roundworms and tapeworms; that it would be efficacious in the cure, mitigation, treatment, or prevention of colds and roup in poultry, and was efficacious in the cure, mitigation, treatment or prevention in poultry of droopy plumage, unthriftiness, pale combs and legs, drooping wings and emaciation, were false and misleading since the article would not be efficacious for the purposes represented.

Analysis of a sample of the SprayX showed that it consisted essentially of small proportions of volatile oils, including menthol and camphor incorporated in a base of mineral oil.

The SprayX was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article was efficacious for external and internal use as a soothing agent for the mucous membrane of the mouth, nostrils, throat, and eyes of poultry; that it was efficacious as an expectorant; and that, when used as directed, it was efficacious to loosen up canker conditions of the mouth; that it would prevent disease in poultry; that the article, in addition to other drug products of "The Willits X-Line" of poultry and livestock health products, as listed above, represented the latest developments in the control of poultry and livestock diseases; that the article was efficacious in the cure, mitigation, treatment, or prevention of colds in poultry and of injured or infected mucous membranes of the eyes, nostrils, mouth and throat of domestic poultry; and that it would be efficacious in the cure, mitigation, treatment or prevention of colds and roup in poultry, were false and misleading since the article was neither an article of the nature above-described, nor efficacious for the purposes represented.

Analysis of a sample of the Powder WormX showed that it consisted essentially of copper sulfate, iron sulfate, plant material including nux vomica and aniseed, and a small proportion of nicotine sulfate.

The Powder WormX was alleged to be misbranded in that the statements appearing in its labeling, which represented and suggested that the drug was a nicotine kamala combination and was efficacious for expelling large round ascaridia worms and desegmenting large tapeworms in chickens and turkeys; that it would promote health in poultry and would prevent losses; that, when

used as directed, the article was efficacious in the cure, mitigation, treatment, prevention, or removal of all types of worms in poultry; that it was scientifically compounded and would prevent disease in poultry; that it was efficacious in the cure, mitigation, treatment, or prevention of coccidiosis and internal parasites; that, when used as directed, it would desegment those species of tapeworms that cause an irritation to the intestinal lining and absorb those nutrients from the feed that are essential to the growth, development, and egg-producing organs of pullets; that it was efficacious in the cure, mitigation, treatment, prevention, or removal of tapeworms; that the article, in addition to other drug products of "The Willits X-Line" of poultry and livestock health products, represented the latest developments in the control of poultry and livestock diseases; that the article would expel ascaridia lineata and other forms of roundworms, and would desegment large tapeworms in chickens and turkeys; that it was efficacious in the cure, mitigation, treatment, or prevention in poultry of droopy plumage, unthriftiness, pale combs and legs, drooping wings, and emaciation were false and misleading since the article would not be efficacious for the purposes represented.

Analysis of a sample of the Cow-Vet showed that, in addition to not more than 0.178 percent of potassium iodide, it contained saltpeter, Epsom salt, and plant material, including nux vomica incorporated in a base of linseed meal.

The Cow-Vet was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article had been investigated and approved by competent animal research authorities; that it had a special tonic value; that it contained not less than 0.36 percent of potassium iodide; that it was a tonic for cows and a herd conditioner, and was an effective treatment for cows that would not conceive and for bulls that had become impotent; that it was scientifically compounded; that the article, in addition to other drug products of "The Willits X-Line" of poultry and livestock health products, represented the latest developments in the control of poultry and livestock diseases; that the article would stimulate and nourish the glands that control reproduction, food assimilation, and milk production; that the ingredients of the article had a definite function on the glands which control reproduction; that the article would supply vitamin E for dairy cattle and thereby correct breeding troubles; that it was efficacious in the treatment of colds of the urinary tract and of disease of the bladder; that it would increase perspiration in formative stages of colds and in muscular ailments due to colds; that it was efficacious in the treatment of uterine disorders such as after-pains and dysmenorrhea; and that it was a gentle tonic were false and misleading since the article contained less than 0.36 percent of potassium iodide and would not be efficacious for the purposes represented.

It was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since the statement "Cow-Vet Contains * * * Potassium Iodide .36 percent," appearing on its label, represented and suggested that the article contained not less than .36 percent of potassium iodide, whereas it contained not more than 0.17 percent of potassium iodide.

On January 20, 1943, the defendant having entered a plea of nolle contendere, the court suspended the imposition of sentence and placed the defendant on probation for 6 months.

921. Adulteration of chorionic gonadotropic hormone. U. S. v. Abraham J. Blaivas, Murray Blaivas, Benjamin W. Feldman, and Emanuel Mandelbaum (Kings County Research Laboratories). Pleas of guilty. Fines of $100 against Benjamin W. Feldman, $300 against Murray Blaivas, and $500 each against Abraham J. Blaivas and Emanuel Mendelbaum. Sentence against each of the defendants of 6 months in prison suspended, and the defendants placed on probation for 18 months. (F. D. C. No. 7694. Sample No. 54941–E.)

This article differed from its declared standard of strength and quality.

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Abraham J. Blaivas, Murray Blaivas, Benjamin W. Feldman, and Emanuel Mandelbaum, copartners trading as the Kings County Research Laboratories, Brooklyn, N. Y., alleging shipment on or about March 2, 1942, from the State of New York into the State of Pennsylvania of a quantity of chorionic gonadotropic hormone which was adulterated.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, viz., a physiological activity of 5,000 rat units (equivalent to approximately 6,000 international units) of chorionic gonadotropic hormone in each 10 cc., and anterior